

**Report of the Democracy and General Purposes Committee held on 29 March 2023 – Review of the Constitution**

<b>Timetable</b>	
<b><i>Meeting</i></b>	<b><i>Date</i></b>
Democracy & General Purposes Committee	29 March 2023
Council	19 April 2023

**Wards affected**

All.

**Executive Summary**

The Democracy and General Purposes Committee tasked a representative working group of Councillors to review the new constitution and identify amendments. This report identifies the amendments made and reasons for change. The changes proposed aim to improve the operation of the constitution and the working practices of the Council, Committees, and the Cabinet.

**This report makes the following recommendation to the Council:**

1. That the changes proposed to the Constitution at Appendix A to the report, be approved.

# Report of the Democracy and General Purposes Committee held on 29 March 2023 – Review of the Constitution

## 1. REASONS FOR RECOMMENDATION

- 1.1 The current constitution came into effect in May 2022 when the Council moved from a Committee System to an Executive and Scrutiny with Policy Advisory Committees model of governance. Council agreed in April 2022 that the Democracy and General Purposes Committee would conduct a review of the operation and effectiveness of the new constitution six months after its introduction.
- 1.2 The constitution should make clear to members of the Council, its Officers, and the public how the council works, what people's rights are and how all decisions will be made in accordance with the law. It is a key document and needs to be as clear as possible and kept regularly under review and updated.
- 1.3 The constitution working group have met several times between January to March 2023, and they interviewed officers including the Chief Executive and Democratic Services team, reviewed a survey of Members, reviewed a "snagging list" of issues identified with the constitution and agreed changes to be proposed to the Committee. These documents can be accessed using the link in section 4 of this report.
- 1.4 The changes identified by the group are based on careful consideration of the issues raised with using the constitution for example where things are in the constitution itself, useability and also working practice. Issues of particular note were:
  - Improving consistency throughout the constitution
  - Reducing the burden on Democratic Services by making the constitution easier to use through changes from the snagging list and removing Cabinet Member meetings
  - Ensuring Overview and Scrutiny have the tools for pre-decision scrutiny for example reviewing the forward plan
  - Adding in procedure rules for Overview and Scrutiny for call-in and consideration of reports to the Cabinet
  - Returning to the previous petition scheme, following unintended consequences with the new scheme
- 1.5 The changes proposed are summarised by section in the table on the next page:

<b>Part</b>	<b>Summary of Changes</b>
Whole	<p>Executive changed to Cabinet to reflect working practices</p> <p>he/she and him/her changed to they/them/their</p> <p>Chairman and Vice-Chair – any reference to Chair changes to Chairman, Vice-Chair to Vice Chairman and Member chairing the meeting changed to Chairman</p>
A1	Executive to Cabinet, plus correction to numbering
A2: Core Provisions	<p>3.4. Access to Information Procedure Rules unchanged moved to Part C4 to ensure rules in one place and consistent</p> <p>6.2. onwards section amended so the purpose of the committees is in Part B and any rules in Part C and duplications with other sections removed</p> <p>6.7. requirement that sub-committees be mainly drawn from parent committees removed</p> <p>7.5. Removal of the need to take the Administration's Programme back to full Council until approved.</p> <p>7.6.3. – Lead Members no longer required to hold public meetings to make individual decisions. (reduces burden on Cabinet and Democratic Services)</p> <p>8.3. amendment made to allow officers to take key decisions if delegated and delivering the outcome of a Member Decision)</p> <p>8.6. In Part B5, amendments to reflect job titles and roles</p>
B1 Responsibility for Functions	Executive to Cabinet
B2 Responsibility for Council Functions	<p>1.1.2. -1.1.5 amended to reflect previous wording as text missing</p> <p>2.6. – Amended to include one independent Member on Audit Governance and Standards to reflect CIPFA guidance on audit committees and best practice</p>

B3 Responsibility for Executive Functions  B3 _ Appendix Executive Roles	Executive to Cabinet
B4 Functions of Other Committees	Information moved from Part A2 for PACs Executive to Cabinet
B5 Responsibilities of Senior Officers	Executive to Cabinet
B6 Proper Officer Provisions	Executive to Cabinet Changes to titles
C1 Council Procedure Rules  C1 – Appendix A  C1 – Appendix B	Executive to Cabinet Pronouns  Amended in accordance with previous petition scheme (2021 Constitution)
C2 Committee Procedure Rules	Executive to Cabinet Pronouns Amendment to reflect that the Lead Cabinet Member sets their PACs agenda  2.5.4. amended to reflect practice with substitutions  5.2.3. inclusion of Forward Plan for Overview and Scrutiny  7.2. – moved so OSC procedure rules are in one place  9.1. Petitions to no longer be presented to PACs 9.3. Amended to return to previous petition scheme  10.5. amended to reflect questions to Chairman only at Committees, with no questions at PACs  11.3.5. amended to allow a right of reply  13 amended to put all the rules relating to OSC together  13.3. procedure created for submission and consideration of OSC reports to the Cabinet  13.4. – call-in rule moved from part C3 and amended to include a procedure for consideration of a call-in

## **2. ALTERNATIVES CONSIDERED AND WHY NOT RECOMMENDED**

2.1 The Democracy and General Purposes Committee was made available of the following options, but chose to agree the changes proposed by the Working Group:

- To not put forward any amendments to full council
  - Review and identify further amendments to those put forward by the working group in appendix A
  - Approve and recommend the changes to full council, as set out in appendix A.
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## **3. REPORT APPENDICES**

Appendix A: Changes to the Constitution

- Appendix A: A1
  - Appendix A: A2
  - Appendix A: B1
  - Appendix A: B2
  - Appendix A: B3
  - Appendix A: B3, Appendix
  - Appendix A: B4
  - Appendix A: B5
  - Appendix A: B6
  - Appendix A: C1
  - Appendix A: C1, Appendix B
  - Appendix A: C1, Appendix, Petitions
  - Appendix A: C2
  - Appendix A: C3
  - Appendix A: C4
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## **4. BACKGROUND PAPERS**

Agenda Papers and Minutes for the Democracy and General Purposes Committee Meeting held on 29 March 2023:

[Your Councillors - Maidstone Borough Council](#)